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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA
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13 REGINALD C. HOWARD,) 3:03-cv-00493-HDM-RAM
14 Plaintiff,)
15 vs.) ORDER
16 GARY HILL, et al.,)
17 Defendants.)
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19 The court has considered the report and recommendation of the
20 United States Magistrate Judge (#56) filed on December 15, 2006, in
21 which the Magistrate Judge recommends that this court grant in part
22 and deny in part defendants' motion for summary judgment (#43).
23 Plaintiff opposed defendants' motion (#48), and defendants replied
24 (#52).

25 The court has considered the pleadings and memoranda of the
26 parties and other relevant matters of record and has made a review
27 and determination in accordance with the requirements of 28 U.S.C.
28 § 636 and applicable case law, and good cause appearing, the court

1 hereby

2 ADOPTS AND ACCEPTS the report and recommendation of the
3 United States Magistrate Judge (#56).

4 Accordingly, the defendants' motion for summary judgment (#43)
5 is (1) **GRANTED** as to plaintiff's claims under Nev. Rev. Stat. §
6 200.471 in Counts I and II; (2) **GRANTED** as to plaintiff's Eighth
7 Amendment claims against Defendant Goble; (3) **DENIED** as to
8 plaintiff's Eighth Amendment claims against Defendant Hill; (4)
9 **DENIED** as to plaintiff's Count II claim of infringement on his
10 First Amendment rights; (5) **DENIED** as to plaintiff's Fourteenth
11 Amendment claims relating to the alleged excessive force; and (6)
12 **GRANTED** as to plaintiff's Fourteenth Amendment claims relating to
13 the alleged violation of plaintiff's rights during the disciplinary
14 procedure following the June 30, 1999, incident.

15 **IT IS SO ORDERED.**

16 DATED: This 22nd day of January, 2007.

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18 UNITED STATES DISTRICT JUDGE